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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

Before

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIHAH

12 W.P.Nos. 13507/95 C/w 13555/95, 13910/95, 14964/97
& 16699/97.

Between:

IN W.P.No.13507/95:

Indian Council of Agricultural
Research,
Represented by Director
National Research Centre for
Cashew, Kemminje village,
Puttur Taluk, Dakshina Kannada
District.

Petitioner.

(By Sri.Dayashankar V.Adappa, Adv.)

And:

1. Kalappa Poojary
Major, Son of Subba Poojary,
Malar House, Mundur Village,
Belthangady Taluka
Dakshina Kannada
2. The Assistant Commissioner
and Land Acquisition Officer
Puttur Taluk, Dakshina
Kannada.
3. State of Karnataka
represented by its
Secretary,
Revenue Department,
M.S.Building, Bangalore.
4. The Civil Judge
Puttur
Dakshina Kannada.

Respondents.

(By Sri.A.Nagarajappa G.A. for R2, R3 & R4.
Sri.S.S.Sripathy for R-1)
No.13507/95

This W.P./is filed under Articles 226 and 227
of the Constitution of India, praying to declare that
the Judgment and decree Annex-A dt.28.2.94 by R-4
as illegal and etc.

IN W.P.NO.13555/95:

Indian Council of Agricultural
Research,
Represented by Director
National Research Centre for
Cashew, Kemminje village,
Puttur Taluk, Dakshina Kannada
District.

Petitioner.

(By Sri.Shetty & Hegde Associates, Adv.)

And:

1. Kamala, Major,
W/o Ramayya Poojary
Pura House, Bolithottu Village
Puttur Taluk, D.K. Dist.

2. The Assistant Commissioner
and Land Acquisition Officer
Puttur Taluk, Dakshina
Kannada.

3. State of Karnataka
represented by its
Secretary,
Revenue Department,
M.S.Building,
Bangalore.

4. The Civil Judge
Puttur
Dakshina Kannada.

Respondents.

(By Sri.A.Nagarajappa, G.A. for R-2, 3 & 4)

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This W.P.No.13555/95 is filed under Articles
226 and 227 of the Constitution of India, praying
to declare that the judgment and decree Annex-A
dt.18.7.94 by R-4 as illegal and etc.

IN W.P.NO.13910/1995:

Between:

Indian Council of Agricultural
Research,

Represented by Director

National Research Centre for

Cashew, Kemminje village,

Puttur Taluk, Dakshina Kannada Dist. Petitioner.

(By Sri.Shetty & Hegde Associates, Adv.)

And:

1. Krishna Ballukraya
Major, Son of Venkatramana
Ballukraya,
Mottethadka,
Kemminje Village
Puttur Taluk, D.K.
2. The Assistant Commissioner
and Land Acquisition Officer
Puttur Taluk, Dakshina
Kannada.
3. State of Karnataka
represented by its
Secretary,
Revenue Department,
M.S. Building, Bangalore.
4. The Civil Judge
Puttur
Dakshina Kannada.

Respondents.

(By Sri.S.S.Sripathy, Adv. for R-1
Sri.A.Nagarajappa for R2, 3 & 4)

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This W.P.No.13910/95 is filed under Articles 226 and 227 of the Constitution of India, praying to declare Annex-A dt.25.11.93 as illegal and etc.

IN W.P.NO.14964/97:

Between:

Indian Council of Agricultural Research
Represented by Director
National Research Centre for Cashew
Kemminje Village, Puttur Taluk,
Dakshina Kannada District.

Petitioner.

(By Sri.Sheety & Hegde Associates, Adv.)

And:

1. Gopalkrishna Bhat
S/o Shama Bhat,
Kuriya Village & Post,
Puttur Taluk, D.K.
2. Krishna Bhat,
S/o Shama Bhat,
Kuriya Village & Post,
Puttur Taluk, D.K.

3. Shivarama Bhat
S/o Shama Bhat,
Dembale house,
Kuriya village & post,
Puttur Taluk, D.K.
4. S.Shama Bhat
S/O Govinda Bhat
Dembale House,
Kuriya village & post,
Puttur Taluk, D.K.
5. The Assistant Commissioner
and Land Acquisition Officer,
Puttur Taluk, Dakshina Kannada.
6. State of Karnataka represented
by its Secretary,
Revenue Department,
M.S.Building, Bangalore.
7. The Civil Judge
Puttur,
Dakshina Kannada.

Respondents.

(By Sri.S.S.Sripathy for R1 & R2
sri.A.Nagarajappa, G.A. for R-5 to R-7)

This W.P.No.14964/97 is filed under Articles 226 and 227 of the Constitution of India, praying to declare that the judgement and decree Annex.A. dt.20.12.96 made in LAC.No.1/1992 passed by the Court of the Civil Judge, Puttur D.K. as illegal, void and unenforceable in law.

IN W.P.No.16699/97:

Between:

Indian Council of Agricultural Research
Represented by Director
National Research Centre for Cashew
Kemminje Village, Puttur Taluk,
Dakshina Kannada District.

Petitioner.

(By Sri.Shetty & Hegde & Associates, Adv.)

And:

- 1.U.Abdulla Beary,
S/o Mohammad
Salmaru,
Puttur Kasaba Village,
Puttur Taluk, D.K.

2. The Assistant Commissioner
and Land Acquisition Officer,
Puttur Taluk, Dakshina Kannada.

3. State of Karnataka represented
by its Secretary,
Revenue Department,
M.S. Building, Bangalore.

4. The Civil Judge,
Puttur,
Dakshina Kannada.

Respondents.

(By Sri.S.S.Sripathy for R-1

Sri.A.Nagarajappa, G.A. for R-2 to R-4)
16699/97 is filed under Articles

This W.P.No/226 and 227 of the Constitution of
India, praying to declare vide Ann.A dt.4.2.95 passed
by the Court of the Civil Judge as illegal, void and
unenforceable in law.

These writ Petitions coming on for hearing
this day, the Court made the following:

ORDER

The learned Counsel appearing for the
petitioners and respondents submit that the sub-
ject matter of these writ petitions are covered
by the decision of this court in WP No. 40114/95
disposed of on 12.2.1998.

Following the said decision and for the
reasons stated therein, these writ petitions are
also allowed. The awards passed by the Reference
Court stands quashed. The matter is remitted to the
Civil Court, Puttur for fresh disposal in accordance
with law after due notice to the petitioners.



Tcd*
13498.

Sd/-
JUDGE